

Order

Michigan Supreme Court
Lansing, Michigan

April 5, 2011

Robert P. Young, Jr.,
Chief Justice

141174

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 141174
COA: 296850
Muskegon CC: 09-057368-FH
09-057533-FH

JAMES EARL McCLENDON, III,
Defendant-Appellant.

By order of October 29, 2010, this case was held in abeyance for *People v Mungo* (Docket No. 141160) and *People v Short* (Docket No. 141822). On the Court's own motion, we VACATE our abeyance order of October 29, 2010. The application for leave to appeal the April 19, 2010 order of the Court of Appeals is again considered and, it appearing to this Court that the case of *Davis v United States*, cert gtd ___ US ___; 131 S Ct 502; 178 L Ed 2d 368 (2010), is pending before the United States Supreme Court and the decision in that case may resolve an issue raised in the present application for leave to appeal, we ORDER that the application be held in ABEYANCE pending the decision in *Davis*.

ZAHRA, J., did not participate because he was on the Court of Appeals panel.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

April 5, 2011

Corbin R. Davis

Clerk